Canale Feared James Earl Ray Would Be Set Free by Jury

Knoxville 11/14/78

By CLARK REID
News-Sentinel Washington Correspondent

WASHINGTON — Fears that James Earl Ray would walk away from a jury trial for the murder of Dr. Martin Luther King Jr., prompted Shelby County District Attorney Phil Canale to opt for a guilty plea.

Foreman

Canale, the county's chief prosecutor during the Ray proceedings, told the House Assassinations Committee yesterday that in 1969 he was concerned over the possible reaction of the white community in Memphis if Ray was brought to trial.

The former district attorney, who now has a private practice in Memphis, told the committee he did open discussions with Ray's attorney, Houston lawyer Percy Foreman, for several reasons.

"We felt the selection of a jury in this (Ray) case would be one of the most important aspects," Canale testified.

He said that his office had "heard comments" around Memphis from the white community concerning the possibiity of Ray not being convicted. Canale apparently took that possibility seriously.

"There was a chance," he told the committee, "there would be one juror who would not vote to convict Ray under any circumstances."

The former prosecutor pointed out that no governor in Tennessee had let any prisoner sentenced to death go to the electric chair since 1960. "That was also one of our considerations," he explained.

Canale said that prior to working out the details of Ray's pleading guilty, he first contacted King's family and black leaders to detemine if that would be acceptable to them.

The King family, Dr. Ralph Abernathy (who took over the Southern Christian Leadership Conference after King's death), and other black leaders approved of the idea. Canale also contacted the late Buford Ellington, then Governor of Tennessee, and explained the details of the proposal and Ellington gave his full backing to the prosecutor.

Canale told the committee that after he and Foreman had started negotiations for the guilty plea, Ray appeared to hesitate. Canale said he wrote Foreman a letter warning him that if Ray balked at the plan "to tell him (Ray) to go to hell and we will go to trial.

"I feel that he (Foreman) knew we had a strong case," Canale told the committee and that the warning would be sufficient to get Ray to plead guilty.

On March 10, 1969, Ray appeared in Division III of the Criminal Court of Shelby County where he pleaded guilty to killing the Civil Rights leader at the Lorraine Motel in Memphis on the evening of April 4, 1968.

Ray was sentenced to 99 years in the state penitentiary in Nashville. He was later transferred to Brushy Mountain State Prison, a maximum security prison at Petros.

Foreman said Ray confided in jail that he faked the story of a conspiracy behind the assassination of Dr. King and thought the killing would make him "a hero to the white race."

Foreman said it was also Ray's idea to pay his legal fee by giving Foreman his financial interests in a book, "He Slew the Dreamer," which William Bradford Huie wrote about Ray.

Foreman testified that he became convinced in jail house interviews as Ray's lawyer that Ray alone killed King and not in a conspiracy.

"He thought there was going to be a race war and he had fired the first shot," Foreman said.

He said Ray told him in one jail interview that he had made up the story about an assassination conspiracy engineered by a mysterious "Raoul" for Huie's book.

"He told me there was no Raoul," Foreman testified. "He said he made up Raoul because that was what they (Huie) wanted.

Ray still says he thought, until the moment he heard of King's assassination on a car radio, that he was involved only in a gunrunning operation with a man he knew as Raoul.

Foreman said Ray also told him he did not care that he had left belongings including the assassination rifle with his fingerprints at the scene because he wanted prison friends "to know I did it."

But Dr. McCarthy DeMere, Ray's Memphis jail doctor, said Ray indicated to him shortly after his guilty plea that King's assassination was a conspiracy.

The doctor said he asked Ray "Did you really do it?"

He said Ray replied, "Let's put it this way: I wasn't in it by myself."

The doctor said Ray "was sort of half laughing at the time" and he could not tell if Ray told him the truth.

NOV. 14 Knoxville News-Sentinel